

## REMARKS

Claims 1, 4-6, 9-11, 13, 14, 18-20, 23-25, 28-30, 33, 37, 38, 116, 131 and 133-145 are pending in the present application. Claims 1, 4, 5, 20, 116 and 131 have been amended. Claims 133-144 have been added. No new subject-matter has been introduced. The Applicants respectfully traverse the Examiner's rejection of the pending claims.

In the Office Action, claims 1, 4-6, 9-11, 13, 14, 18-20, 23-25, 28-30, 32, 33, 37 and 38 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,992,752 to Wilz, Sr., et al. (*Wilz*) in view of U.S. Patent No. 6,199,048 to Hudetz et al. (*Hudetz*). In view of the following remarks, the Applicants respectfully request reconsideration of the Examiner's rejection of claims 1, 4-6, 9-11, 13, 14, 18-20, 23-25, 28-30, 32, 33, 37 and 38.

For convenience claim 20 is discussed first. Amended claim 20 calls for receiving information from a plurality of code scanners where the received information from each bar code scanner includes bar code information. Claim 20 further includes identifying at least a portion of the destination information stored in a database based on at least a portion of the received bar code information. Thus, claim 20 refers to "bar code information" being received as well as identifying "a portion of destination information."

The Examiner alleges that *Wilz* teaches the above-mentioned claimed features. Applicants respectfully disagree. As an initial matter, the Examiner appears to use the same description from *Wilz* to satisfy two different claim features. In particular, the Examiner is

asserting that the URL of a website in *Wilz* is the bar code information as well as the destination information. The Examiner cannot use the URL of the website to satisfy two expressly recited claim features. This is clearly improper.

With respect to the bar code information, the Examiner argues that *Wilz* discloses that the ISP 4 receives the bar code information. While the Examiner alleges that the information from the bar code symbol 8 is received by ISP 4 (see page 3 of the Office Action), the Examiner conspicuously fails to provide any support from *Wilz* as to precisely which “bar code information” is received by the ISP 4. Indeed, *Wilz* teaches that the only information associated with the bar code that is transmitted to the network (which includes the ISP 4) is an URL of a web-site that is encoded as part of the bar code symbol 8. However, the Examiner cannot contend that this URL of a web-site is the “bar code information” because the Examiner argues that this URL corresponds to the “destination information” recited in the next element of claim 1. See page 3, last paragraph of the Office Action mailed July 25, 2005. Because the Examiner asserts that the URL corresponds to the “destination information,” the Examiner has failed to show which “bar code information” is received by the ISP 4. For this reason, claim 20 is allowable.

The Examiner also argues that the “identifying” step of claim 20 is taught by *Wilz*. At the same time, the Examiner acknowledges that *Wilz* does not teach identifying destination information that is stored in the database. The Examiner argues that this missing feature is supplied by *Hudetz*.

With respect to *Wilz*, the Examiner argues that *Wilz* teaches the act of identifying at least a portion of the destination information insofar as it teaches that a website's URL (which corresponds to the "destination information" according to the Examiner) is received by the ISP 4. The Examiner's reliance on *Wilz* is erroneous. Claim 20 calls for identifying destination information that is stored in a database based on at least a portion of the received bar code information. However, in relying on *Wilz*, the Examiner simply ignores that recited claim feature specifies that the act of identifying the destination information is based on the received bar code information. As noted earlier, there is no bar code information that is received by ISP 4 of *Wilz*. As such, there can be no identification of destination information based on the received bar code information.

The Examiner's reliance on the combination of *Wilz* and *Hudetz* is also erroneous. A closer inspection of these cited references reveals that there is no motivation to combine the references in the manner suggested by the Examiner. In fact, the references indicate that there would be no motivation to combine the teachings in a manner alleged. The Examiner contends that the URL of the website in *Wilz* and *Hudetz* corresponds to the "destination information" of claim 1. *See Office Action*, pages 3 and 5, respectfully. In *Wilz*, according to the Examiner, the URL of the website is received by the ISP 4 from a web browser, and in *Hudetz*, the URL is stored in a database. The Examiner argues that the teachings of *Wilz* and *Hudetz* can be combined to arrive at the claimed combination. The Applicants respectfully disagree. Recalling that claim 20 calls for identifying at least a portion of the destination information based on the received bar code information, it becomes apparent that the two references clearly fail to provide

the requisite motivation for the suggested combination. If the ISP 4 receiving the URL constitutes “identifying” the destination information, as alleged by the Examiner, then, in *Wilz*, the mere reception of the URL would “identify” the destination address, and thus there would be no motivation or even a need to “identify” any destination information stored in a database (as that information is already available to the ISP 4). Thus, even though *Hudetz* teaches storing URLs in a database, *Wilz* does not state or even suggest that the URL be accessed from the database. Indeed, to the contrary, *Wilz* teaches using the URL transmitted from a remote browser to access the contents of the website associated with that URL. See *Wilz*, col. 11, line 13 – col. 12, line 35. As such, there would be no need to “identify” the destination information (e.g., URL) in a database (and certainly not based on the received bar code information), as it is already available to the ISP 4.

For one or more reasons presented above, claim 20 is allowable. Additionally, claims depending from claim 20 are allowable for at least the same reasons.

As amended, independent claim 1 is allowable for one or more reasons claim 20 is allowable, and further allowable because of the additional features recited therein. For example, the *Wilz* and *Hudetz* references, whether considered alone or in combination, at least do not teach the following features of claim 1:

receiving information, at the remote device, from a plurality of bar code scanners, the received information from each bar code scanner including bar code information and source information identifying a user of the bar code scanners;

providing the data received by the remote device from the

network location to at least one user of at least one of the bar code scanner based on the received source information.

The Examiner relies on *Wilz* and U.S. Patent No. 5, 979,762 (*Bianco*) to reject claim 116, arguing that claim 116 is taught by the combination of these references. The Applicants respectfully disagree.

Amended claim 116 calls for a method for using a bar code encoded with information corresponding to an externally assigned entity, the bar code having an associated prefix portion, where the prefix portion indicates whether to deactivate encryption. The method comprises receiving information represented in prefix portion; connecting a user to the entity based on information represented in the bar code and based on the information represented in the prefix portion; and receiving information from the entity. None of the cited references, when considered alone or in combination, teaches this claimed combination.

With respect to claims 11, 30, and 131, the Examiner takes “Official Notice” to make a case of obviousness. Because the Office cites no specific reference to support this “obviousness” assertion, the Applicants infer that the Examiner makes this assertion based on personal knowledge. However, no supporting affidavit has been made of record. The Applicants respectfully request that prior art be provided to substantiate this “obviousness” assertion or that an affidavit be filed in accordance with 37 C.F.R. § 1.104(d)(2), which states (emphasis added):

(2) When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference must be supported, when called for by the applicant, by the

affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons.

Consequently, the Applicants respectfully and seasonably request the Office to either (1) cite a reference in support of this position, or (2) provide a Rule 104(d)(2) affidavit from the Examiner supporting any facts within the personal knowledge of the Examiner, as also set forth in M.P.E.P. § 2144.03. Moreover, the Examiner is requested to establish a *prima case* of obviousness by providing the requisite motivation to combine the prior art teachings and reasonable expectation of success.

New independent claim 137 is allowable for at least the same reasons as claim 116. Additionally the cited *Wilz*, *Hudetz*, and *Bianco* references either combined or considered alone at least do not teach the claimed combination of the receiving step and the displaying step. That is, bar code information including a prefix portion that indicates whether to deactivate encryption in not received at a device. Additionally, *Wilz*, *Hudetz*, and *Bianco* also do not teach the last element of claim 137.

Arguments with respect to other dependent claims have been noted. However, in view of the aforementioned arguments, these arguments are moot and therefore not specifically addressed. To the extent that characterizations of the prior art references or Applicants' claimed subject matter are not specifically addressed, it is to be understood that Applicants do not acquiesce to such characterization. Reconsideration of the present application is respectfully

requested. In light of the arguments presented above, Applicants respectfully assert that all of the claims are allowable. Accordingly, a Notice of Allowance is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned at the Houston, Texas telephone number (713) 934-4089 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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